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ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:05 CR 20084-03

VS. : JUDGE MINALDI

GERARDO MENDEZ RAMOS : MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER

Presently before the court are two motions and objections to the Presentence Report (“PSR”) filed by the defendant.

The defendant’s objections to the Presentence Report are DENIED as untimely. The defendant has fourteen days from the issuance of the PSR to file objections to the PSR. The PSR was revised May 1, 2007. The objections were not filed until May 31, 2007. The substance of the arguments raised in the objections has been previously litigated¹ or are currently before the court in other motions.

IT IS ORDERED that the defendant’s Motion for Downward Departure based on drug quantity and his participation in the conspiracy is DENIED.

IT IS FURTHER ORDERED that the defendant’s Motion to Obtain and Withdraw His Personal Records IS DENIED. The defendant does not state with specificity which “personal

¹ In these objections and in the pending “Motion for Downward Departure” by the defendant, he argues that his sentence should be computed on 100 kilograms rather than 150 kilograms of cocaine. The defendant pleaded guilty on February 3, 2006, and signed a stipulated factual basis admitting that he distributed over 150 kilograms of cocaine and over 1,000 kilograms of marijuana. This issue has been litigated through two prior attorneys and has been denied by the court. The matter will not be revisited at sentencing.

records, photographs and other personal items" that he wished returned. Additionally, the Government objects because sentencing is pending. These items may have evidentiary value. The Government has agreed to return all personal items not used as evidence after sentencing.

Lake Charles, Louisiana, this 6 day of June, 2007.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE